



Vivekananda International Foundation

2+2 Dialogue and Indo U.S. Relations



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VIF Paper - October 2018

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Introduction

The 2+2 Dialogue

There has been significant advances in the U.S.-India relationship over the years. U.S. Secretary of Defense James Mattis and Secretary of State Mike Pompeo, accompanied by Joint Chiefs Chairman Gen. Joseph Dunford, met with their counterparts, Foreign Minister Sushma Swaraj and Defense Minister Nirmala Sitharaman at New Delhi on 6th September 2018, in what was dubbed the ‘two-plus-two’ summit. This comprehensive dialogue aimed to combine foreign and defence policy issues and deal with them in a coherent manner, rather than look at them separately.

This was also the first time India held a ‘2+2’ Dialogue with any country at ministerial level and, therefore, expectations were high that it would boost Indo-U.S. bilateral ties. The key issues discussed ranged from security, strategy, defence, economy and trade, especially regarding the import of Iranian oil. The leaders signed landmark agreements meant to further cooperation between the states in their efforts to promote regional stability. The first dialogue happens to be on the 10th anniversary of the landmark Indo-U.S. civil nuclear deal.

There are number of contentious issues which have been discussed in the 2+2 Dialogue. India has a land border of 4400 km with China with lot of disputes. In recent months, Prime Minister Narendra Modi has attempted to mitigate the risks from his open embrace of the U.S. by seeking to ease tensions with China and reverse a declining relationship with Russia. At his initiative, Prime Minister Narendra Modi held separate summit meetings with Chinese President Xi Jinping and Russian President Vladimir Putin in Wuhan and Sochi respectively to signal India was not part of any alliance against China and Russia. India has been careful not to ruffle China's feathers. It rejected Australia's participation in the Malabar 2018 naval exercises involving the other members of the Quadrilateral, the U.S. and Japan.

Both the countries have to adhere to their national security interests. There are contradictory requirements. How these complex issues are resolved with some very tight rope walking will be unfolded soon. This is a landmark event in Indo-U.S. relations. An effort is made here to analyse various issues concerning Indo U.S. relations, the landmark agreements arrived at during the dialogue and the remaining key issues.

Upswing in Indo U.S. Relations

Since the days of Indo-Pak War of 1971, the Indo-U.S. relations was at a very low ebb. It reached the nadir following India's Pokhran II nuclear tests. The Clinton administration put stringent sanctions. In the last 20 years India has sought to develop closer relations with USA as a result of end of the cold war and the phenomenal rise of China.

The following are some of the landmark events for improving India USA relations.

- President Bill Clinton's visit to India in March 2000.
- Twin tower attack on September 2001 and terrorist attacks against the Indian Parliament in December the same year precipitated a rapid thaw in overall relationship.
- President Bush waived the sanctions imposed on India due to nuclear tests. In 2002 USA and India concluded a General Security of Military Information Agreement (GSOMIA). GSOMIA facilitated opportunities for greater intelligence sharing between India and the United States.
- In June 2005 Defense Secretary Donald Rumsfeld and Defense Minister Pranab Mukherjee signed an agreement titled as the 'New Framework for the US-India Defense Relationship'.
- Signing of the New Framework for Defense Cooperation in 2005 and the 2012 U.S. Defense Technology and Trade Initiative (DTTI), provided a 'flexible mechanism' to ensure that senior leaders are involved in finding opportunities for science and technology cooperation (to include co-production) and moving away from the traditional buyer-seller dynamic.
- The "New Framework" understanding was renewed in 2015 by the U.S. Secretary of Defense and the Indian Defence Minister to underscore the importance of the DTTI and to establish additional cooperation groups to find concrete measures to strengthen U.S.-India defense trade.

Last year, U.S. declared India as its major defence partner. On August 1 this year, the Trump administration put India in the Strategic Trade Authorisation-1 (STA-1) list, which means India gets to buy high end technology from the U.S. This U.S. commerce department legislation means India does not need to get separate licenses for the export of sensitive dual use technology in space and defence applications. It puts India on par with U.S. allies such as South Korea and

Japan when it comes to accessing sensitive technology. The U.S. grants STA-1 only to countries that are part of all four - the Wassenaar Arrangement, Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG) and Australia Group. India is yet to get into the NSG because of opposition from China.

Salient Issues in Indo–U.S. Relations

Though no doubt that Indo–U.S. relations have improved considerably since the cold war days, there are number of issues which need to be addressed to take the relationship forward. These are sensitive in nature and would required highest forms of diplomatic tight rope working, sagacity and maturity.

Bilateral Trade

While the United States and India have made tremendous strides on defense cooperation and counter-terrorism efforts, that progress has not translated into smooth and successful trade relations. In 2017-18, India–U.S. Total Bilateral Trade was \$126.1 billion. India's exports to U.S. was \$77.3 billion and India's imports from was \$48.8 billion. India has taken steps to increase imports from USA which helped narrow the gap by over \$1 billion last year. India will be importing oil worth \$2.5 billion from the U.S. this year. The U.S. wants India to cut its trade deficit with America by close to half, through increased purchases of civilian aircraft and natural gas.

The Trump administration has slapped steel and aluminum tariffs on India — inviting reciprocal duties on 29 American exports by India. India has said the duty imposed by the U.S. has affected steel exports by \$198.6 million and aluminum shipments by \$42.4 million. India exports steel and aluminum products worth about \$1.5 billion to the U.S. every year. This would adversely affect India's exports to the U.S. India would have wasted precious dollar resources in signing up for imports under pressure. It would have a telling effect on the exchange rate. Indian government officials have estimated an extra \$26 billion expenditure due to rising oil prices. Oil importers buy dollars to pay for their imports. That has contributed significantly to the falling rupee, which has lost as much as 14 percent this year. Spending an extra \$10 billion a year on imports from the U.S. would mean further pressure on the rupee. A falling rupee makes life difficult for other Indian importers. This would have a domino effect on the rest of the economy. Rising prices could dampen consumer demand, resulting in poorer profit margins for industry.

India has also dragged the U.S. to the World Trade Organisation's (WTO) dispute settlement mechanism over the imposition of import duties on steel and aluminum. USA did not appreciate India's move to take the question of U.S. steel tariff to the WTO. Import duty has been imposed by India on chickpeas and Bengal gram, lentils, boric acid and binders for foundry moulds, domestic reagents, artemia, a kind of shrimp, certain kind of nuts, iron and steel products, apples, pears, flat rolled products of stainless steel, other alloy steel, tube and pipe fittings, and screws, bolts and rivets. However, there was no duty hike on motorcycles like Harley-Davidson imported from the U.S. Anticipating the 2+2 Dialogue, India postponed the enforcement of retaliatory tariff, thereby creating room for talks. It is not known what stance Government of India will take on this issue post the Dialogue.

India has already lost two cases in WTO against the U.S., in poultry and solar sector. In 2016, India also dragged the U.S. to WTO against the policies of eight American states for the renewable energy sector, alleging that the domestic content requirement norms are inconsistent with global trade rules. Besides, the country has filed a complaint against U.S. decision to impose high fees on temporary working visas.

U.S. Business Concerns

U.S. has lodged six cases against India at the WTO. Some of the concerns of U.S. manufactures are discussed below.

U.S. Trade Representative (USTR) Robert Lighthizer complained against India at WTO on export subsidy programmes: the Merchandise Exports from India Scheme; Export Oriented Units Scheme and sector specific schemes including the Electronics Hardware Technology Parks Scheme; Special Economic Zone (SEZ); Export Promotion Capital Goods Scheme; and duty free imports. The USTR said these "apparent" export subsidies provide financial benefits to Indian exporters that allow them to sell their goods more cheaply to the detriment of American workers and manufacturers. Through these programmes, it said India provides exemptions from certain duties, taxes, and fees; reduces import duty liability; and benefits numerous Indian exporters, including producers of steel products, pharmaceutical, chemicals, Information Technology (IT) products, textiles, and apparel. Export subsidies provide an unfair competitive advantage to recipients, and WTO rules expressly prohibit them, it added.

India's trade barriers and policy of capping prices of medical devices has caused heartburn among American manufacturers. American medical device

manufactures worry that if the Indian model of price control is allowed to stand, other developing countries may soon follow suit.

Requirement of data localisation announced by the Reserve Bank of India (RBI) remains a controversial issue. American companies are also protesting the data localisation requirement for financial services companies. An American business leader said if the U.S. were to impose such a requirement with regard to American consumers, the backbone of Indian BPO sector would be broken, “Imagine what will happen if the U.S. decides that U.S. data cannot be processed outside”, he said. The RBI guidelines on data localisation create constraints for companies. When supply chains and operations are global, this creates inhibitions to investment and innovation in India. Industry understand the concerns of the Indian Government and is willing to work with it on finding a resolution. In no way sensitive and classified data used by Indian BPO industry would be allowed to reside in servers located in India. On data security India may have to follow the path of European Union.

The India-U.S. business relationship is also growing. As The New York Times had reported, Walmart and Amazon are both investing heavily in India, while the number of Indian students in the U.S. increased to 186,000, hitting double-digit growth for the fourth consecutive year. India is far too big a resource for the U.S., and a businessman president is not going to risk that. The U.S. also would like more access to India’s agricultural market.

In the Joint Statement on the Inaugural India-U.S. 2+2 Ministerial Dialogue, there has not been any mention on U.S.-India trade frictions. Probably the technical discussion of trade issues will be held at the U.S.-India Trade Policy Forum, scheduled to meet in November this year.

The H1B Visa Issue

The crackdown on the non-immigrant visa programme has affected Indian skilled workers and IT professionals. On the contentious H1B Visa issue, Indian interests are completely at odds with Trump’s politics. External affairs minister Sushma Swaraj had told Parliament in July that India will “forcefully” raise the issue of H1B Visas with the U.S. during the 2+2 Dialogue and maintained that “growing restrictions on the visa rules by the Trump administration was a cause of concern to the Indian Government, the Opposition members and the entire House.” The U.S. move to instead extend the suspension by five more months of premium processing for H-1B Visas till February 2019 couldn’t have gone down well with New Delhi. In July, the National Foundation for American Policy, a U.S.-based non-profit body, said there was a 42 percent increase in the number of

H-1B visa rejections for Indians. U.S. view is that there has been no changes a number of H1B Visa issue. In fact, certain other countries complain how come India gets 17 percent of the total visas issued.

Defence and Foundational Agreements

Proposals and Purpose

Three proposed defense foundational agreements between the United States and India — the Logistics Exchange Memorandum of Agreement (LEMOA), the Communications Inter-operability and Security Memorandum of Agreement (CISMOA), and the Basic Exchange and Cooperation Agreement for Geospatial Intelligence (BECA), have been in negotiations for years. The LEMOA was finally signed in August 2016, while the other two agreements remained sticking points in the relationship, till the COMCASA was signed at the recent 2+2 Dialogue.

Authorities typically underlying the U.S. foundational agreements specify the following:-

	CISMOA	BECA
Basic Purpose	Provides the legal mechanism to exchange command, control, communications, computer intelligence, surveillance and reconnaissance (C4ISR) data to a foreign country, establish secure communications channels, and exchange communications supplies and services.	Enables the sharing of a range of geospatial products, including access to mapping and hydrographic data, flight information products, and the U.S. National Geospatial-Intelligence Agency's geospatial information bank.
Negotiating Authority	The Chairman of the Joint Chiefs of Staff has primary responsibility delegated to U.S. combatant commands. Other agencies may also be involved.	National Imagery and Mapping Agency (NIMA).
Implementing Authority	U.S. combatant commands. (Other agencies may also be involved.)	NIMA and military mapping and weather agencies.

The Communications and Information Security Memorandums of Agreement (CISMOA) and the Communications Compatibility and Security Agreement (COMCASA)

CISMOA is required by law if the U.S. is to export sensitive military equipment to a country, this is a U.S. requirement. The U.S. has changed the original nomenclature to Communications Compatibility and Security Agreement (COMCASA) to make it India specific. This was similar to its move with the Logistics Exchange Memorandum of Agreement (LEMOA) that was originally known as the Logistics Support Agreement (LSA).

The CISMOA agreements — like the COMCASA being negotiated with India — are intended to provide the documentary justification to release command, control, communications, computer intelligence, surveillance and reconnaissance (C4ISR) data to a foreign country. This includes data feeds that provide the ‘common operational/tactical picture’. Also included within the scope of this general program are topics such as configuration management, common standards, information security, information assurances, authority to engage in reciprocal use of each other’s communications systems, the framework for exchanging telecommunications support, and the services related to establishing an interconnection. CISMOA agreements are separate from information security agreements that are negotiated by the U.S. National Security Agency to enable access to secure networks.

CISMOAs are not to be confused with foreign military sales documents. The U.S. has multiple agreements concerning configuration management of tactical command, control, and communications standards, including with allies such as France and partners such as Singapore.

The U.S. usually has these agreements with its NATO partners. In Asia, Pakistan had similar arrangements with the U.S. for 10 years after then U.S. president George Bush described it as a “major non-NATO partner” in 2003. The U.S. also has similar arrangements with Japan, South Korea and Australia among the major powers in the “Indo-Pacific” region

The COMCASA

Arguments put forwarded for signing the CISMOA’s India-specific version, COMCASA are:-

- The COMCASA provides the legal framework for the U.S. to part with its sensitive communication equipment and codes to enable transfer of real time operational information. This equipment is largely used for ground-to-air communication, on installed U.S. origin military aircraft, to enable best battle situation awareness.
- The U.S. data link is considered the most secure communication platform, which will also allow India access to big data base of American intelligence, including real-time imagery. COMCASA will pave way for armed drones, real-time sharing of operational intelligence.
- The COMCASA will allow both sides to operate on the same communication systems, enabling an inter-operable environment for militaries.
- Without this agreement, the U.S. cannot part with highly coded communication equipment with the military platforms they sell to India. India has to depend on commercially available less secure systems on, otherwise, high-end platforms like C-130 J and the P-8I maritime surveillance aircraft, among others.
- A large number of defence related acquisitions from the U.S. in the last decade, totaling more than \$15 billion, required wider agreements and arrangements that satisfied U.S. export control laws related to defence technology theft and diversion. Much of the equipment purchased did not come with all the features. Thus, the already-in-service transport aircraft, the C-17 and C-130 J were not able to factor the 'Link-16' net and Identification Friend or Foe (IFF), single channel ground airborne radio systems, digital transponders, secure voice terminals and satellite communication (SATCOM) trans-receivers. Likewise, the P-8I Poseidon long range maritime surveillance aircraft came without secure UHF voice and Link-11/Link-16, preventing current and future generation fighters from participating in tactical networks that are essential in harmonising common picture of the aerial combat environment. Further, the GPS-guided munition and fire and forget smart weapons have still not come to the Indian Army due to missing legal bindings. Now the U.S. Government will be able to give the go-ahead to install the best communication equipment on relevant platforms such as aircraft being sold to India.

- Institute of Peace & Conflict Studies senior fellow Abhijit Iyer-Mitra points out in *Economic Times*, “Right now, even India’s Western sourced equipment don’t talk to each other. So, India’s Israeli airborne radars don’t talk to its U.S. maritime surveillance aircraft, which, in turn, don’t talk to its French-supplied submarines... This (COMCASA) not only improves India’s ability to fight alongside the U.S. Navy better, but also alongside several other global navies with similar equipment that are major players in the Indo-Pacific, such as Japan, South Korea, Australia and Singapore.”
- COMCASA will allow U.S. to transfer high-tech avionics, encrypted communication and electronic systems to India as well as ensure secrecy of its C4ISR systems.
- COMCASA will effectively mean India sharing the real-time American intelligence on military deployments by China and Pakistan. “The Doklam face off was the turning point for the Indian position on the COMCASA when it realised the benefit of U.S. intelligence on Chinese troop deployments in calibrating its approach. This sort of intelligence was not available with India. Access to U.S. data will make qualitatively significant impact on Indian military planning against China”, writes Pranab Dhal Samanta in the *Economic Times*. COMCASA will also help India obtain the armed version of the Sea Guardian Drones. The U.S. could not part with the weapon systems on the Drone without COMCASA, which will now allow installation of data and communication systems.
- The COMCASA will also help ensure greater cooperation between the defence industries in the two countries. With the announcement at the 2+2 Dialogue of the readiness to begin negotiations on an Industrial Security Annex (ISA), there will be greater scope for Indian companies to get latest technologies. As part of the efforts of giving thrust to the ‘Make in India’ initiative, many of the entities in the recently set up defence manufacturing corridors will be better supported in terms of critical mass and content by such co-operation.

Union Defence Minister Ms Nirmala Sitharaman, during her comments post the Dialogue said, “The signing of the Logistics Exchange Memorandum of Agreement (LEMOA) in 2016 and the Helicopter Operations from Ships Other Than Aircraft Carriers (HOSTAC) earlier this year were important steps in this

direction. The signing of the COMCASA today will enable India to access advanced technologies from the U.S. and enhance India's defence preparedness.”

Over the past decade, India has been steadily purchasing military platforms like of P-8I and C-130 J aircrafts from the United States that typically come with secure communication systems of U.S. origin. However, since India has till now refused to sign the COMCASA, it has been forced to use lower-grade commercially available equipment in lieu of U.S. origin radio, communications security (COMSEC) and navigation equipment that apparently give American platforms an operational edge over similar systems available from elsewhere.

From a legal perspective, reliance on ad-hoc arrangements can be problematic for U.S. commanders; from an operational perspective, continued use of work-arounds in the absence of these frameworks will limit the range of options available to both Indian and U.S. commanders, particularly in responding to unforeseen circumstances. The foundational agreements are routine, and their negotiation is normally conducted at a much lower level than they have been in the case of India. These are merely framework agreements that facilitate exchanges of certain defense articles and services and do not limit India's freedom of action. However, since there are sovereignty issues, this is being dealt by the Government of India at the highest level and not left at the armed forces level.

Recent Arms Procurement from the U.S.A.

Between 2010 and 2018, India bought \$15 billion worth of aircraft, howitzers, helicopters and missiles from the US. The U.S. is India's second-largest supplier of defence hardware, having provided frontline equipment such as Chinook medium lift helicopters, Apache helicopter gunships, P-8I Poseidon long-range maritime surveillance aircraft, C-130 medium transport aircraft and C-17 heavy lift aircraft. At least three of these platforms have seen repeat orders from India, helping the U.S. realise its strategic aim of weaning India away from dependence on Russian equipment and toward U.S. hardware. This relationship is set to continue, with India's defence ministry approving the purchase of 24 MH-60 R multi-role helicopters worth \$1.8 billion from the U.S. as a government-to-government deal.

The MH-60 R's are meant to operate off Indian warships and address an acute shortfall of helicopters. Warships are currently being inducted into service without helicopters. Another significant deal under discussion, after being cleared for sale by the U.S. last year, is for the MQ-9 'Guardian' High Altitude Long Endurance (HALE) Drones. Not only can the Guardian HALEs operate at an altitude of over 40,000 feet, nearly twice the altitude of the navy's existing Heron

Medium Altitude Long Endurance Drone fleet from Israel, they can also stay aloft for 24 hours.

Besides this, U.S. companies like Lockheed Martin and Boeing are working hard to win the tenders for combat aircraft and helicopters. Accounting for about 15 percent of our total procurement, the U.S. was the second biggest supplier of arms to India in the five years ending 2017. Our Parliament's Standing Committee on Defence has reported that U. S. firms concluded 13 contracts with India worth roughly \$4. 3 billion over the last three years while Russia secured 12 contracts for only \$1. 2 billion.

India's Concerns over the COMCASA

Though the U.S. maintains that COMCASA is only 'foundational' in nature and 'innocuous', there are genuine reasons for India to be concerned about the implications of this agreement. Some of the major concerns are enumerated below.

An Intrusive Measure. The COMCASA in its original form, the CISMOA, was easily an intrusive instrument. So was the End User Verification Agreement that India and the U.S. approved about 10 years back. Both require U.S. officials to enter, install and inspect U.S. proprietary equipment in Indian military stations and on board Indian military platforms. Any self-respecting democratic country like India will be concerned about intrusive American access to Indian military communication systems, and about the violation of Indian sovereignty due to visits by U.S. inspectors to Indian bases to inspect the COMCASA safeguarded equipment. COMCASA has thus the potential to compromise India's operational security while protecting that of the U.S. COMCASA may also increase pressure on India to source all of its COMSEC equipment from U.S. vendors in the future.

Fear of Data Leak to Adversaries. The U.S. has supplied the F-16 Fighting Falcon to the Pakistan Air Force. Although U.S. firm Lockheed Martin asserts that it has adequate firewalls to prevent the leak of information, the worries remain. Implementation of the COMCASA would involve data sharing that could reveal the location of Indian military assets to Pakistan or other third parties. It could enable Washington to monitor Indian communications in operations where the United States may be neutral or even adversarial, such as contingencies relating to Pakistan, or that sensitive communications and information could be shared with third parties, including Pakistan.

Strategic Autonomy. This agreement harms India's strategic autonomy by making its own communication network vulnerable to U.S. spying. The U.S. will retain control over its equipment sold to India under this pact and may manipulate decision making. In earlier days major powers supplying weapons could interfere in any conflict scenario by withdrawing supply of key spare parts. Now U.S. will be able to do so by simply disrupting communication means.

Penetration of India's Command and Control Network. This accord will enable the U.S. to comprehensively penetrate — horizontally and vertically — India's most secret communications and command and control networks, including the Strategic Forces Command (SFC) overseeing India's nuclear security. Bharat Karnad writes that with the U.S. listening-in on the most secret communications traffic within the Government and between the Indian and other governments, it can take measures to preempt decisions and shape policies to ensure Delhi doesn't depart from the U.S. line. It will also be in a position to hinder military communications between senior field commanders and frontline units, between theatre commands and Services Headquarters and the Indian Government, between the Prime Minister and the SFC in a nuclear crisis and, potentially, to over-ride the authority to fire nuclear weapons. The U.S. was asked if signing the COMCASA could mean that it could listen to or see encrypted (coded) communication of the Indian military. The U.S. said yes, it could, but added that it was not its policy. The U.S. was asked if this information could be shared with others, notably Pakistan. The U.S. said it had adequate firewalls. U.S. view is that data feeds to foreign governments can be modified, so the United States could restrict access by India and Pakistan such that their communications and information would not be shared with each other despite using a common platform with the U.S. But in extreme situations wherein a conflict situation when the U.S. and India have opposite views, U.S. control over complete communications of the high value platforms would give the U.S.A the leverage to incapacitate the communication setup. That would not go well with Indian Armed Forces.

It makes no sense for India to bind itself to U.S. procedures in the absence of regular joint operations, particularly restrictions that might make India too reliant on the U.S. for major systems, supplies, and upgrades. Implementation of the COMCASA would be too burdensome for the Indian military, given U.S. procedures.

Evaluating the COMCASA

Official sources have said that the Government is satisfied by Washington's assurances that no information, classified or otherwise, routinely picked up by the

U.S. agencies monitoring and listening in on the Indian national security communications traffic will be divulged to third parties. In international relations there is nothing like assurances, specially when President Trump withdrew the U.S. from the Trans-Pacific Partnership or pull out of the landmark 2015 nuclear deal agreed between Iran and world powers.

There was a feeling that there was no clear need for these agreements, given the recent ascendancy of bilateral defense cooperation and the use of work-around agreements, such as the recently renewed Fuel Exchange Agreement, could always be agreed upon. In July 2009, India had reluctantly signed the End-User Monitoring Agreement, under U.S. pressure, to allay their apprehensions about the usage of the U.S. defense equipment being procured by India. But, this agreement was signed after extended negotiations that eventually ensured that it kept intrusive monitoring by American inspectors away from Indian military bases. In case of major procedural problems, the U.S. can always supply military hardware through some third country like Israel; Israel had U.S. permission to sell Phalcon radar for Indian Airborne Warning & Control Systems (AWAC).

The Issue of Secure Communications

Secure communications require high-grade encryption algorithms and encryption key management. An encryption algorithm operates the key over messages to produce an encrypted message that any intruder who has no access to the keys would not be able to break. This also implies that all communication devices in a network need to be compatible with one another by incorporating the same encryption algorithms. Now, COMCASA requires that U.S. operators perform functions such as keying for the encryption. Indian operators will not be allowed to even participate in the maintenance of these systems. India will not be comfortable with the presence of U.S. designated personnel on Indian procured U.S. platforms for long durations of their operational life. In the COMCASA scheme of things, the U.S. will basically end up controlling the entire communications and message flow for the sake of 'inter-operability'. Long term analysis of the message flow could end up revealing tactical doctrines adopted by Indian forces in combat.

Since communication devices and links currently in use with Indian Forces cannot interact with U.S.-provided systems, it implies that any attempt to establish inter-operability between a part of India's inventory and participating U.S. forces could actually lead to reduced 'intra-operability' within India's own military. COMCASA-covered equipment/platforms will become 'incompatible' with the rest of India's inventory. This could lead to calls to 'overhaul' the Indian

military's entire network to COMCASA-compliant standards through wholesale import of U.S. systems. Short of that, India would have to willfully acquiesce to the creation of a divide in its inventory, thereby reducing the flexibility of field commanders to deploy available resources during action. India is already operating the high value platforms recently acquired from the USA with slightly degraded commercial grade secrecy communication equipment. Since the Indian forces are unlikely to operate with the U.S. forces in a conflict situation, it is unnecessary to bind Indian forces down to U.S. codes and operating procedures as it is much better to have our own speech secrecy and communication and data transfer equipment than the U.S. ones.

An indigenous Airborne Early Warning & Control System (AEW&C) christened 'Netra' mounted on a Brazilian Embraer-145 jet is already operational with the Indian Air Force (IAF). A complex tactical software has been developed for fusion of information from the sensors, to provide the air situation picture along with intelligence to handle identification and classification of threat. It has battle management functions, built in-house, to work as a network-centric system of Integrated Air Command & Control System (IACCS) node. This system has been developed and evaluated through collaborative efforts between the Defence Research & Development Organisation (DRDO) and the IAF.

The IAF is already using the Israeli Phalcon AWACS on the Russian IL-76 heavy-lift aircraft to detect aerial threats from jets or missiles even from a distance of 400 km away. It can thus be safely assumed that a reliable and safe communication system with high grade secrecy would be operational. In any case, cryptography has reached such level that is extremely difficult to crack the 256-bit encryption algorithms. Only very few agencies like National Security Council (NSC) of USA is capable of doing that. Indian industry and research & development (R&D) establishments therefore may be tasked to develop an indigenous high grade crypto-communication systems.

Signing the COMCASA does not give any appreciable advantage unless the details of the Agreement are devised with due foresight and caution. In fact, COMCASA could lead to the secrecy of tactical doctrines getting compromised, besides imposing greater complexity costs on India's communication systems. Situation therefore demands that a detailed study of the ground realities and practical implications following the signing of the COMCASA be made prior to deciding on the finer details of implementation, control and monitoring of the Agreement.

India has already purchased some of the big ticket items like transport aircrafts C-17 and C-130 J, and P-81 Poseidon long range maritime surveillance aircrafts. India has also contracted 15 heavy lift Chinook helicopters and 22 Apache attack helicopters that are scheduled to be delivered from next year. These helicopters would also be delivered minus the sensitive proprietary communications technology. In all cases, it may be reasonably assumed that India's defence communication requirements had been met in the pre-COMCASA context. With the signing of the COMCASA agreement, in fact, the COMCASA compliant communication equipments might make inter-operability within Indian Armed Forces more problematic

Now that COMCASA has been signed, and that with good reasons, the details of which are yet to be disclosed, India should gear up to negotiate the finer details and terms of those contracts, including procuring the coded systems separately.

The Issue of Force Inter-operability

Amongst the services, the Indian Navy seemed to be the most interested in signing the COMCASA. Most of the Indian Navy's frontline offensive vessels and weapon platforms are of Russian origin. Indian Navy has nuclear powered submarines SSN 1 Chakra (ex-RUS Akula II), Aircraft Carrier Vikramaditya (ex-FSU Kiev mod), and MiG-29K (KUB Fulcrum FGA) aircraft. The Navy currently operates six stealth frigates bought from Russia and inducted between 2003 and 2013. India and Russia are expected to hammer out a deal for four more Krivak/Talwar class stealth frigates in end 2018 or so. The most potent weapon system the vessels carry on board is BrahMos missile system made by Indo-Russian joint venture. As to how are these platforms and weapon systems would be made inter-operable with COMCASA reliant systems need some elaboration. Russia too will have legitimate concerns about their highly classified weapon systems being compromised to Americans.

The IAF will also have similar inter-operability issues. Most of the frontline offensive weapon platforms are of Russian or non-U.S. origin. In the event of a hypothetical conflict scenario, when a mission is launched, there will be Su-30 MKI Flanker, Gulfstream IV SRA-4, AEW&C, Il-76TD Tanker, Rafalos Jets, Israeli Falcon AWACS, Netra AEC & W with complete indigenous technology, MQ-9 'Guardian' High Altitude Long Endurance (HALE) drones with American COMCASA system on board etc. How will IAF integrate and make them inter-operable? Since nobody shares any technology or code, how all these would meet the needs have to be seen and analysed. The issue of integration will affect with Russian S-400 systems also. At the national or services level there

are plethora of air defence systems from various countries. How to integrate those will remain a major challenge. It should not happen that to be inter-operable with US/NATO systems, we lose inter-operability within own services.

The Basic Exchange and Cooperation Agreements for Geospatial Intelligence (BECA)

A BECA agreement would allow India to access a range of topographical, nautical and aeronautical data, engage in subject matter expert exchanges, and receive training at the U.S. National Geo-spatial Intelligence College. Of particular interest to India is access to the U.S. National Geospatial-Intelligence Agency's (NGA's) geo-spatial information bank. BECA agreement would also enable India to receive advanced navigational aids and avionics on U.S. supplied aircraft. To date, absence of such agreement has affected the navigational and flight management systems that India could procure for its purchase of C-17, C-130 J, and P-8I aircraft.

BECA agreements are intended to function as umbrella agreements wherein various components of Department of Defence (DOD)/NGA and their Indian counterparts would conclude subsidiary arrangements on a one-time or semi-permanent basis for exchanges of specific types of data and data feeds. The U.S. Government has BECA or similar geo-spatial or mapping data-sharing agreements with 57 countries, including partners such as Indonesia and allies such as France. Nothing has been said about BECA in the statement issued after the 2+2 Dialogue.

Issues of Indo-Russian Defence Relationship

CAATSA

U.S. Congress's enactment of the Countering America's Adversaries Through Sanctions Act (CAATSA), was signed by President Trump into law in August 2017. Sections 231 and 235 of the law struck at the heart of the Indo U.S. strategic partnership. Section 231 requires that the president impose sanctions on any entity that "engages in a significant transaction with . . . the defense or intelligence sectors of the Government of the Russian Federation". Section 235 describes the sanctions that may be imposed, which include, but are not limited to, prohibiting "any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest", and forbidding "any transfers of credit or payments between financial institutions or by, either through, or to any financial institution, to the extent that

such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.”

New Delhi has a long relationship with Moscow going back to the Cold War days. India became dependent on the Soviet Union only after its requests for advanced military equipment had been turned down by the Western powers. India’s reliance on Russia for technical assistance with its strategic weapons programs is likely to persist for some time to come. About 65 percent of our defence equipment are of Russian origin.

India aims to negotiate the purchase of at least five complete Russian S-400 systems with a price tag of close to \$6 billion. The S-400 is capable of destroying jets, missiles and unmanned aerial vehicles at a range of 400 km. For months, the two sides have been aiming to reach an agreement on the deal before Russian President Vladimir Putin’s visit to India, planned for annual summit talks in October 2018. The \$6 billion deal puts India in the cross-hairs of the CAATSA. As Brahma Chellaney writes in *Nikkei Asian Review*, “America has overtaken Russia in recent years as the top arms seller to New Delhi, and also emerged as a source of oil and gas supply to India. But these evolving ties cannot at this stage replace India’s links with Russia and Iran. The U.S. has basically transferred defensive military systems, while Russia has sold India offensive weapons, including a nuclear-powered submarine and an aircraft carrier.”

Russian weapons in Indian hands do not pose any direct threat to America’s national security interests. There is no doubt that the S-400 system is the best of its kind in the world and that the combination of the Patriot surface-to-air missiles and the Theatre High-Altitude Air Defence system the Americans have offered are not a match.

The secondary sanctions rely on third parties to target Russia’s defence industry, stifle its sale of equipment and effect a change in Russian behaviour. If the contract passes through, it would deal a major blow to the U.S. aim of making the punitive measures against Russia work. Considering the nature of the US-India strategic partnership and India’s pivotal role in U.S.’s Indo-Pacific strategy, Secretary of Defence Mattis took the lead in urging Congress to exempt a small set of U.S. partners — in particular, India, Indonesia, and Vietnam — from the sanction obligations associated with CAATSA. But it seems Secretary of State is not on the same page. The U.S. Congress last July permitted Trump to take a decision on waiver application for allies such as India, Indonesia and Vietnam, if the administration can certify that a country is reducing defence equipment imports from Russia, expanding cooperation with the U.S. in defence deals and

the carve-out is in keeping with U.S. security interests. The move was largely interpreted as an exception meant for India which had clarified its intent of going ahead with the S-400 deal despite the threat of sanctions.

It now emerges that this hope was a premature and even misleading conclusion. Randall Schriver, the Pentagon's Assistant Secretary for Defence, for Asian and Pacific Security Affairs, said in Washington that an impression "that we are going to completely protect the India relationship, insulate India from any fallout from this legislation no matter what they do... is a bit misleading. We would still have very significant concerns if India pursued major new platforms and systems (from Russia)."

Defence Deals with Russia

According to the Stockholm International Peace Research Institute Moscow has been New Delhi's largest defense supplier since the 1960s, accounting for 68 percent of India's arms imports from 2012 to 2016. In addition to New Delhi's intended procurement of five regiments of Russian-made S-400 Triumf Air Defense Systems (NATO reporting name: SA-21 Growler) for the estimated at around \$5.5 billion, there are other defence deals on the offing. Some of them are expected to be signed during the scheduled October 2018 Summit Meeting between Indian Prime Minister Narendra Modi and Russian President Vladimir Putin.

India inked an Inter-Governmental Agreement (IGA) with Russia for the four frigates in 2016. The Navy currently operates six stealth frigates — three Talwar Class and three Teg Class, bought from Russia and inducted between 2003 and 2013. India and Russia are also expected to finalise a deal for four more Krivak/Talwar class stealth frigates for the Indian Navy. India has already cleared the way for \$2.2-billion frigates deal with Russia. Two of the warships will be constructed at the Yantar Shipyard in Kaliningrad and the remaining two at the Goa Shipyard Limited (GSL). After the contract is signed, Russia will take four years to deliver the two warships. We will take six years to build the first warship and one more year to deliver the second. The new Grigorovich Class 'Project 1135.6 frigates will be powered by gas turbine engines to be supplied by Ukrainian firm Ukroboronprom's Gas Turbine Research & Production Complex, Zorya-Mashproekt. Several Russian delegations have visited the GSL and are satisfied with the facilities there.

Russia rarely imposes the similar stringent conditions that Washington does, especially on end-user controls and technology co-production. India has, in fact, diversified its weapons import sources — the U.S. and Israel are now more

important suppliers — but the chances of abandoning Russia in the near future seem quite low. Government of India might clear purchase of two more AWACs for around \$800 million. IAF uses IL-76 aircraft mounted with Phalcon AWACs. This project has been hanging fire since the first three AWACs were inducted by the IAF in 2009-2011 under a \$1.1 billion deal inked by India, Israel and Russia in 2004.

Russia has sent a joint submarine design and construction proposal to build, on the technology transfer acquired while building the nuclear fleet, and promises to drastically reduce the cost of Navy's next-generation vessel plan. The proposal offers an alternative to an upcoming \$10 billion P-75I tender for six new diesel electric submarines that the Navy requires. These are to be fitted with an Air Independent Propulsion (AIP) system that significantly increases their ability to stay underwater. It is believed that the Russian side has offered a transfer of all intellectual property for the design and prototype construction. This will mean that there are no limits to the number of submarines that can be built under the project. This is a Government-to Government deal for joint design with the Advanced Technology Vessel Project (ATVP).

The Government of India has kept up with our relationship with Russia. Immediately after the 2+2 Dialogue, speaking at a conference titled 'India-Russia in the 21st Century: Enhancing the Special Privileged Strategic Partnership' on 12 September, Union Minister Dharmendra Pradhan said, "I believe that our time-tested relationship has no expiry date. Russia will always be a priority in India's foreign and energy policy and both our countries will remain as a role model for global communities." He hailed Russia as India's largest investment destination in the oil and gas sector. He said, "Prime Minister Modi and Russian President Vladimir Putin share a deep friendship and respect for each other which is beyond the business and diplomatic relations. Today Russia is the closest friend." He further stated that "Our energy relations were never as strong as they have become in the last couple of years. Our engagement in the hydrocarbon sector, including some major investments, has become one of the key pillars of our bilateral relations. India and Russia have deeply strengthened their hydrocarbon engagement and we have also built an 'Energy Bridge' between our two countries. Soviet technology helped us in oil and gas since 1960s. Striking oil at Bombay High, India's biggest oil and gas field, was also due to soviet experts". The minister added that "Russia is one of the largest producers of oil and natural gas in the world and it can become an important source to fulfill India's requirements. India has embarked on the path of becoming a gas-based economy. Russian supplies will help us in meeting the objectives of price stability and energy

security. Our oil and gas Public Sector Undertakings (PSU) are continuing to explore their participation in more oil and gas projects in Russia."

The External Affairs Minister Ms Sushma Swaraj went on a two day visit to Russia to discuss issues of bilateral cooperation of the two nations. Sushma Swaraj's meeting comes ahead of Russian President Vladimir Putin upcoming visit to India this year. The meeting was held in the capital city of Moscow from 13-14 September. The 23rd India-Russia Inter-Governmental Commission on Technical & Economic Cooperation (IRIGC-TEC) was chaired by Yuri Borisov, Deputy Prime Minister of the Russian Federation and Sushma Swaraj, the Minister of External Affairs. IRIGC-TC is a standing body which conducts annual meeting to review the ongoing activities in areas of trade and investment, culture, science and technology. She also reviewed bilateral cooperation in various fields which would provide means of directions on the interest of both the countries.

Other Issues in Indo-U.S. Partnership

Iran

India is the second largest importer of Iranian oil after China. Tehran is New Delhi's third largest oil supplier. India is reliant on oil imports for its consumption needs and 83 percent of its oil comes from external sources. Pricing of oil imports is very important for India as a number of factors such as economic growth and inflationary trends are tied to it. Iran sanctions' impact on India could also impede its transportation corridor to Afghanistan via Iran, which includes the Chabahar Port modernisation project. India is a large investor in the construction of Iran's Chabahar port, which it plans to make operational by 2019. This joint India-Iran project, which circumvents any need to cross Pakistani territory, highlights the strategic importance of Tehran for New Delhi. This Port would give India better access to Afghanistan, potentially creating a path for New Delhi to become more involved in Kabul's security and stability. The Port could also provide Afghanistan with an alternate trade corridor that reduces its dependence on Pakistan. It may ultimately be in Washington's favour to grant India a waiver to finish building the Iranian Port in order to address other regional security concerns.

The United States is pushing countries to halt oil imports from Iran after Trump withdrew from a 2015 deal between Iran and six world powers. U.S. sanctions on Iran's energy sector are set to be re-imposed after a 180-day "wind-down period" ending on 4 November, 2018. On the Iran-related sanctions, no waiver for India is still in sight. With global shipping operators already pulling

back from Iran business and oil prices rising, India's energy-import bill is increasing. If India continues to import oil from Iran, it will have to find a way to pay for the supplies because the State Bank of India has already told refiners it can't support Iranian purchases during the sanctions. The Government is yet to identify a bank that can be used to channel Iranian oil payments. India has already begun to reduce purchases of Iranian oil and expects to buy even less going forward. There is also the problem of making technical adjustments to refineries if a new form of crude oil is imported, as that would require time, effort and resources. India has invested heavily in its petro-chemical industry to cater for

Iranian crude. Washington is also seeking to sell more oil and gas to India, besides pressing it to switch imports from Iran to Saudi Arabia and other U.S. allies. However, next-door Iran, offering discounted pricing, will remain critical to India's energy diversification strategy.

Significance of the date, 4 November, should not be missed out. On this day in 1979, student followers of the Ayatollah Ruhollah Khomeini stormed the U.S. Embassy in Tehran. Fifty-two American diplomats and citizens were held hostage for 444 days from November 4, 1979, to January 20, 1981.

While India has asked for waivers and Pompeo said during his visit to New Delhi, "Our effort here is not to penalise a great strategic partner like India," he seemed to leave little room for exemptions. Pompeo declared, "The sanctions with respect to Iranian crude oil will be enforced ... and it is our expectation that the purchases of Iranian crude oil will go to zero from every country, or sanctions will be imposed." While there may be some dispensation on the Chabahar Port modernisation project, there is hardly any chance of concession on Iranian oil import by India.

Indo-Pacific

India's role in Indo-Pacific has not been great. Maldives, Mauritius, Seychelles are recent examples. Washington clearly sees India as a regional counter-weight to a growing China and an essential part of the 'Quadrilateral', an informal grouping of democracies comprising US, Japan, Australia and India. On May 30, the U.S. officially renamed its Hawaii-based Pacific Command as the Indo-Pacific Command, or INDOPACOM. It's the oldest and largest U.S. command, which Pompeo said "Stretches from the west coast of the U.S. to the west coast of India". INDOPACOM, Pompeo recently said, did not only have geo-political aims but also geo-economic cooperation plans.

It is not very clear how do we define Indo-Pacific. The inter-command boundary between the U.S. Pacific and Central Command lies along Indo-Pakistan

border. While the Pacific Command covers India, Pakistan, Afghanistan while the other countries West of India fall in Central Command's area. While USA wants India to take more active part in Malacca Straits and South China Sea, it is not willing to yield space towards our western sea board in the Arabian Sea from where our most of energy imports come and where we have huge interest in trade and diaspora in Middle East and West Asia. India has major concerns in Arabian Sea, Middle East and West Asia but its concerns do not get due attention through the Pacific Command. Could the Inter-Command boundary between the Central and Pacific Commands then be shifted from Indo-Pakistan Border to say Myanmar Border with Bangladesh?

Diego Garcia

Diego Garcia, one of the Chagos Islands in the Indian Ocean, was leased by Britain to the U.S. for a military base in 1966 for 50 years (two years before Mauritius' independence in 1968). It is arguably one of the most important pieces of real estate among the U.S.'s strategic assets. The U.S. military base at Diego Garcia is important for them for their policing role. Since Diego Garcia is a sovereign British territory, it is beyond the legal jurisdiction of U.S. courts and for this possible reason it has reportedly been used as a terrorist detention site. The lease expired recently, but has been renewed by London until December 20, 2036, much to the chagrin of Mauritius and groups seeking the return of islander inhabitants. In June 2017, the United Nations General Assembly (UNGA) sought advisory opinion from the International Court of Justice (ICJ) about the validity of detachment of the British Indian Ocean Territory in 1965 from the rest of the Colonial Mauritius. India has exercised leadership in the UN in the G-77 among developing countries and has substantial ethical and economic ties with Mauritius. India supported the UNGA resolution to refer the matter to the ICJ. There is a debate within India which on the one hand wanted to support the de-colonisation process but on the other had did not want to upset the current security balance in the Indian Ocean, or force the U.S. off of Diego Garcia. USA is unhappy with this development. India has to manage this skillfully.

Pakistan

In India's neighbourhood, Washington and New Delhi are still not on the same page. However things are improving. The "cancellation" of some \$300 million in military aid to Pakistan is a signal to Pakistan. The U.S. also suspended military training — which is another blow, since Pakistan is one of the largest recipients of aid under the head of International Military/Education Training (IMET). Military aid also includes counter-narcotics assistance and bilateral and

multilateral exercise support. All of that was meant to improve Pakistan's capability to fight terrorism. As the recent escalated violence in Afghanistan indicates, that is clearly not happening.

At the U.S.'s urging, a group of Western countries in February convinced the Financial Action Task Force (FATF) to put Pakistan on a terrorism financing watch list, a move that triggered concerns that U.S. may also seek to block Islamabad in other forums. In July, Pompeo said there was 'no rationale' for the IMF to bail out Pakistan. Pompeo's worries that Islamabad would use the IMF money to pay off Chinese loans echoes concerns by other U.S. officials that China is saddling many emerging market countries with too much debt. "There's no rationale for IMF tax dollars, and associated with that American dollars that are part of the IMF funding, for those to go to bail out Chinese bondholders or China itself," U.S. Secretary of State Pompeo said in July, referring to a possible Pakistan bailout.

But the shifting of stand by USA is there for all to see. Immediately after the 2+2 Dialogue, the U.S. Secretary of State Mike Pompeo assured that Washington would not block any request from Pakistan for a bailout from the International Monetary Fund (IMF), as per Pakistan's Information Minister Fawad Chaudhry's statement. The remarks, which Chaudhry said Pompeo made during his visit to Pakistan, come in stark contrast to Pompeo's warnings in July that the U.S. had serious reservations about the IMF giving money to Pakistan due to concerns Islamabad would use the cash to pay off Chinese loans. Chaudhry told Reuters that relations between U.S. and Pakistan were 'broken' before Pompeo's trip to Islamabad, but the visit had 'set many things straight' and re-invigorated ties. The U.S. embassy in Islamabad did not have any immediate comment.

In the Joint Statement on the Inaugural India-U.S 2+2 Ministerial Dialogue, India and the U.S. also called on Pakistan to ensure that its territory is not used to launch terrorist attacks on other countries. They called on Pakistan to bring to justice expeditiously the perpetrators of the Mumbai, Pathankot, Uri and other cross-border terrorist attacks. In a Joint Statement by United States - Pakistan Defence Consultative Group Meeting held at Rawalpindi on September 21, 2016, the Pakistan side reaffirmed its commitments to not let anyone use Pakistani soil against any other country. Both countries underscored that no country's territory should be used to destabilise other country. However, Indian strategic community should be skeptical about these routine statements by USA against Pakistan. India must remember as long as the logistic chain for U.S. troops in Afghanistan goes through Pakistan, Pakistan holds the leverage.

The U.S. also recognised significant contributions made by the Armed Forces of Pakistan in promoting maritime security in the North Arabian Sea and Horn of Africa through its consistent participation in the U.S.-led Combined Maritime Forces and recognised the Pakistan Navy for assuming command of Combined Task Force – 150 operations. The USA is sensitive to Indian Navy's activities along the shores of Middle East and West Asia. Have they ever given command of the Combined Task Force in the Arabian Sea to Indian Navy? India and USA have committed to the creation of a new, tri-services joint exercise off the Eastern Coast of India in 2019; then why not off the West Coast?

Afghanistan

A Taliban led regime in Afghanistan will be disastrous for the world, except Pakistan. India is of the view that the problem is Pakistan, and solution lies in Afghanistan whereas U.S. is of the opposite view. What are the kind of structures USA is envisioning to end the war in Afghanistan? The recently elected Prime Minister of Pakistan Imran Khan cannot deliver U.S. objectives in Afghanistan. The Pakistan Army will never allow it, and it knows well that the U.S. still needs some hand holding in Afghanistan.

Both India and USA were unequivocal about their support for an Afghan-led, Afghan owned peace and reconciliation process. This assumes importance in light of reports that the U.S. has had recent back channel talks with the Taliban in Doha.

Afghanistan is a crucial arena for both nations, especially at a time when the frail civilian administration in Kabul is losing ground to the Taliban in the rural areas. Any American withdrawal strategy from Afghanistan is central to India's future strategic course in the country. Both sides need a frank discussion on how to manage the region.

Military Exercises

For more than a decade there has been the growing Indo-U.S. cooperation in military exercises. The 'Yudh Abhyas' Exercise involving the two armies since 2004 has been a major success story. Likewise, the Malabar naval exercises, being held bilaterally since 1992, have expanded since 2014 to include the Japanese Navy. The two countries hold elaborate navy-to-navy maneuvers, air exercises and even drills involving special forces, but war games involving all the three arms represent a scaling up of defense cooperation. This is now being planned. "We do more military exercises with India than with any other country in the world," said

Alice Wells, deputy assistant secretary for South and Central Asian affairs, in a recent news conference.

The Indian Armed Forces, particularly the Indian Navy has been participating in exercises like Malabar with U.S. Navy and others since many years. The Indian Navy and the U.S. Navy, that have one of the most robust and intensive wargames on a regular basis, are far more comfortable with the agreement. In almost all the bilateral or multilateral naval exercises, Indian ships, carriers and submarines have accepted the US's CENTRIXS (Comprehensive Enterprise for Regional Information Exchange System) platform. These 'talk boxes' are installed for the duration of the wargames. It has worked well. As long as we do not intend to go to war along with USA, this process should suffice as an ally.

No recent event illustrated India's diplomatic balancing act more than the August 24 military manoeuvre 'Exercise Peace Mission', between all eight members of the Shanghai Cooperation Organisation (SCO), including the armies of India, China, Pakistan and Russia, in Chebarkul, Central Russia. One an old strategic partner, the other a strategic challenge and the third, an old foe. All three of them have reasons to make common cause against the U.S.!

Nuclear Issues

India has been seeking entry into the 48-member elite nuclear club which controls nuclear trade, but China has repeatedly stonewalled its bid. While India, which is backed by the U.S. and a number of western countries has garnered the support of a majority of the Group's members, China has stuck to its stand that new members should sign the Nuclear Non-Proliferation Treaty (NPT), making India's entry difficult as the Group is guided by the consensus principle. India is not a signatory to the NPT.

A waiver from the Nuclear Suppliers Group (NSG) in September 2008 allowed India to access civilian nuclear technology and fuel from other countries. India is the only known country with nuclear weapons which is not a party to the Non-Proliferation Treaty (NPT) but is still allowed to carry out nuclear commerce with the rest of the world. Former U.S. president George W Bush had signed the legislation on the Indo-U.S. nuclear deal, approved by the U.S. Congress, into law on 8 October, 2008. This gave a massive boost to India's quest for nuclear power. As of 2016, India has signed civil nuclear agreements with 14 countries: Argentina, Australia, Canada, Czech Republic, France, Japan, Kazakhstan, Mongolia, Namibia, Russia, South Korea, the United Kingdom, the United States, and Vietnam.

The Indo-U.S. nuclear deal had its attached strings. The nuclear agreement with USA led to India issuing a Letter of Intent for purchasing 10,000 MW reactors from the USA. These reactors were to be supplied by General Electric and Westinghouse Electric, a U.S. based unit of Toshiba, though these companies were not technically the world leaders in nuclear technology. However Westinghouse's parent company Toshiba decided in 2017 to withdraw from the construction of nuclear power plants, following financial difficulties it filed for bankruptcy, leaving the proposed agreement in doubt.

U.S. Secretary of Energy Rick Perry during a news conference held in New Delhi on April 17, 2018, said, "Westinghouse Electric, which filed for bankruptcy last year, is now 'lean and mean and ready to get to work' on its projects to build nuclear reactors in India. Alice Wells, the Principal Deputy Assistant Secretary of State for South and Central Asia, told a Washington audience that the nuclear deal with India would finally see the light of the day with the approaching of its 10th Anniversary: "With Westinghouse coming out of bankruptcy, we now have an opportunity to cross the finish line to really culminate in what was this historic process that began a decade ago to be able to have one of our premier companies provide in some of the safest and cleanest fuel that will benefit, tens of millions of Indian citizens."

While there was uncertainty about U.S. companies, Russia and France quickly moved in. France was the first country to sign a civilian nuclear agreement with India, on 30 September 2008. During the December 2010 visit of the French President Nicolas Sarkozy to India, framework agreements were signed for the setting up two third-generation EPR reactors of 1650 MW each at Jaitapur, Maharashtra by the French company Areva SA. However, Areva SA of France is fighting an uphill battle to recover from stagnancy and is starving for fresh contracts. Areva has not won a single contract for overseas construction of a nuclear power plant since 2007. Russia is now so far ahead that Areva simply cannot catch up. Areva, entrusted with setting up the Jaitapur plant, got into near bankruptcy, and the French energy major EDF took over the reactor unit. Following that, EDF was forced to make a fresh proposal to NPCIL last year; negotiations are still going on.

The vacuum created by the bankruptcy of Westinghouse was filled by the Russian-Indian cooperation. This came as a blow to both the United States, which had long sought to sell its reactors to India under the administrations of Presidents George W. Bush and Barack Obama, and Japan, which had placed similar hope on Westinghouse. Russia currently has contracts to build 34 reactors in 13 countries, with an estimated total value of \$300 billion. When nuclear fuel supplies and

technical cooperation are included, Russia's state-run Rosatom State Atomic Energy Corporation is doing business in as many as 20 countries. Russia looks set to dominate the business of exporting nuclear power plants worldwide, as its share of the market has now reached 60 percent after concluding contracts with countries like India, Turkey, Egypt and Hungary for the construction of new plants and technical cooperation. The Russian plants are priced 20 percent to 50 percent lower than their Western counterparts to start with, and Moscow pledges 'full support' for projects undertaken by Rosatom. After successful commissioning of Kudankulam Units 1 & 2, an agreement was concluded with Russia in June 2017 for the Units 5 & 6 (2 x 1000 MW) with an estimated cost of INR 250 million (3.85 million US\$) per MW. Earlier, India had also entered in to an agreement with Russia in October 2016 for the units 3 & 4 (2 x 1000 MW) with an estimated cost of INR 200 million (3.08 million US\$) per MW.

Following the March 2011 Fukushima nuclear disaster, Germany has permanently shut down eight of its 17 reactors and pledged to close the rest by the end of 2022. Italy voted overwhelmingly to keep their country non-nuclear. Switzerland and Spain have banned the construction of new reactors. Japan's prime minister has called for a dramatic reduction in Japan's reliance on nuclear power. Taiwan's President did the same. Globally, more nuclear power reactors have closed than opened in recent years. Since Japan's Fukushima nuclear tragedy in 2011 which was followed by an earthquake and tsunami, India has been witnessing stiff opposition against nuclear power plants. People around proposed Indian nuclear power plant sites have launched protests, raising questions about atomic energy as a clean and safe alternative to fossil fuels. There have been mass protests against the French-backed 9,900 MW Jaitapur Nuclear Power Project in Maharashtra and the Russian-backed 2,000 MW Kudankulam Nuclear Power Plant in Tamil Nadu. The state government of West Bengal state has also refused permission to a proposed 6,000 MW facility near the town of Haripur that intended to host six Russian reactors. India's nuclear liability law has become a major bone of contention. This law gives accident victims the right to seek damages from plant suppliers in the event of a mishap. Foreign players like General Electric and Westinghouse Electric have been asking for further clarification on compensation liability for private operators.

In June 2016, the U.S. and India agreed to build six AP-1000 in India as part of civil nuclear deal signed by both countries. Negotiations are being conducted with the commercial contract. The proposed locations for the six-unit nuclear power plant is the coastal district of Gujarat; however, the site may be moved to the southeastern state of Andhra Pradesh due to opposition from the

local community. India has been victim of the world's worst industrial disaster in Bhopal gas tragedy in 1984.

With this backdrop it will be interesting to see how the nuclear projects with USA will progress. Will there be similar pressure be put to waive off India's nuclear liability law. As India has bent over to sign COMCOSA will the U.S. abide by India's law; would there be effects of sanctions like CATSA on Indo U.S. nuclear projects? After the Two + Two Dialogue both the countries also decided to work together towards India's entry to the Nuclear Suppliers Group (NSG). "We agreed on working together towards entry of India in the Nuclear Suppliers Group (NSG)," said Swaraj. Though India has made this a prestige issue, the waiver gives almost everything that India wants. U.S. support to India's admission to the NSG has no operational element in it. Conversely, a sense of resignation is evident in the section on the civil nuclear energy partnership and the projected establishment of six nuclear power plants in India. The various hurdles to nuclear trade between the U.S. and India, such as the Liability Act, too have not been mentioned in the joint statement.

Important Outcomes of the Two + Two Dialogue

Important Outcomes

Both sides have described the 2+2 in glowing terms as “historic” and not simply because it was the first meeting of the four principals in this format which the United States has with only its closest allies. Some of the important outcomes of the Dialogue are:-

- A new “tri-services exercise,” increasing the complexity of military cooperation.
- Both sides will start exchanges between the U.S. Naval Forces Central Command (NAVCENT) and the Indian Navy as part of deepening maritime cooperation in the western Indian Ocean. This will help deepen their naval cooperation across Asia, especially in light of the United States’ and India’s very different conceptions of how they delineate the Indo-Pacific.
- The meeting also witnessed the conclusion of a Memorandum of Intent between the U.S. Defense Innovation Unit (DIU) and the Indian Defence Innovation Organisation – Innovation for Defence Excellence (DIO-iDEX) - a new agreement on defense innovation.

- Reaffirmation of existing areas of agreement on counter-terrorism and cyber security. The joint statement calls on Pakistan to do more to stop terrorism emanating from territory under its control and pledges more cooperation in cyberspace and more support for an “Afghan-owned, Afghan-led” peace process.
- Launch of secure hotlines between Pompeo and Swaraj, and Mattis and Sitharaman, building on the high-level hotlines established in the Obama administration.
- The formulation is guarded when it states, “Both sides committed to work together and in concert with other partners toward advancing a free, open, and inclusive Indo-Pacific region, based on recognition of ASEAN centrality and on respect for sovereignty, territorial integrity, rule of law, good governance, free and fair trade, and freedom of navigation and over-flight.”
- There is no mention of the Quadrilateral either, except as a forum for cooperation.
- The shared commitment to a united, sovereign, democratic, inclusive, stable, prosperous, and peaceful Afghanistan and support for a peace and reconciliation process, and India's role in Afghanistan's development do not reveal any forward movement.

Notable Missing Pieces

Despite the Dialogue’s progress, resolutions on following three thorny issues were missing:-

- Whether President Donald J. Trump will provide a waiver to India for its purchase of a Russian air defense missile system, thus avoiding sanctions that could result from the Countering America’s Adversaries Through Sanctions Act (CAATSA) legislation focused on Russia;
- What will happen with U.S. sanctions and India’s oil procurement from Iran despite the dialogue’s progress;
- The various hurdles to nuclear trade between the U.S. and India, such as the Liability Act have not been mentioned.

The agreement is effective immediately and valid for ten years.

Questions and Concerns

India is not a partner or part of any formal pact with USA. Though the term 'strategic autonomy' has become passé, India has to pursue its national interests - if it clashes with U.S. interests, so be it.

Ashley J. Tellis In a recent paper states : As Trump cannot understand why America's friends would want to buy weapons from any other country since, as he put it, "the United States makes by far the best military equipment in the world: the best jets, the best missiles, the best guns, the best everything." India has already procured some big ticket items. Recently the two deals were signed for surface-to-air missiles for a billion dollars, and a government-to-government deal for 24 naval helicopters. Lockheed F-16s, which could bring the U.S. some \$18 billion in total in this fiscal year is the deal USA is looking at. It is trying to sell the idea of manufacturing 40 year old F-16 aircraft in India under 'Make in India' Scheme but that may not suit the military requirements of the IAF. As far as Capability and technology goes F-16 comes nowhere near Rafael or Gripen. F-16 manufacturing facility in USA has almost wound up.

It must be remembered that Rafael aircraft was selected after a most rigorous professional evaluation conducted by IAF which has been appreciated globally. There are comparable weapon platforms or other sophisticated hardware which are available with European countries, Israel or Russia. India needs to carefully study and make cost-benefit analysis before signing any deal. Today design is the main thing. The weapon systems/platforms can be manufactured anywhere where infrastructure facilities can be made available. With transfer of technology scheme, we have been manufacturing entire series of MIG, Jaguar, Mirage, Sukhoi. Statistics from HAL which manufacture these aircrafts can be taken. Its production line is not the most modern and manpower is less efficient, and therefore the cost-benefit analysis must be carried out. Since the cost is huge India can always do hard bargaining with other countries to get the best bang for money. Detailed study must be carried out as to how many additional jobs will be created. In the civil aviation sector India will be purchasing large number of aircrafts costing billions of dollars. If there is Boeing for civil aircraft, there is also an equally good alternative in Airbus from Europe. Will there be similar pressure from U.S. to procure Boeing aircrafts? U.S. will get orders worth billions of dollars for the coming decades and its spares and services will give them a hefty package. What do we get in return?

There is no escape from designing our own systems. If we can do wonders in nuclear field and space due to sanction imposed on us, there is no reason why

we cannot develop indigenously. Our emphasis must be on designing own technology.

The Trump administration is seeking to influence India's arms procurement and energy-import policies. The twin U.S. pressures on the energy and defence fronts have made India acutely aware of the risks of aligning itself closer with Washington. After ensnaring India in its Iran and Russia sanctions, Washington has sought to save the promising Indo-U.S. strategic partnership by throwing-in few concessions. In reality, the concessions are intended as tools of leverage. The 'Damocles' Sword' of sanctions will hereafter hang over India and compel New Delhi to toe the U.S. line on everything - Russia, Iran, non-proliferation, removal of tariffs on imports from the US, etc.

Certain issues need to be addressed soon, especially the impact of CAATSA. Clearly, the Trump administration has to find the waiver for India to keep the flags of strategic cooperation flying high. India's decision to buy the S-400 Triumf missile system from Russia should be left out of the U.S. sanctions; the Defence Minister has clearly stated India's position on this. A waiver of CAATSA is essential also to the influential U.S. defence contractors such as Lockheed Martin, Boeing, Raytheon and Sirkorsky, which are supplying critical equipment to India like the C-17, C-130 J transport aircraft, Apache and Chinook helicopters. Else they will come under sanctions. These big defence contractors would surely put pressure on Trump administration. Till now there is no indication that there will be waiver on CAATSA. The whole world is watching this issue with keen interest.

While India is all for engaging Russia and China for better relations, it is clear in its mind that this will not be at the cost of India-U.S. ties or vice versa. Perhaps the S-400 will turn out to be a classic example how close allies could handle tricky issues.

Deal with USA Carefully

After the Second World War, the USA, under Marshal Plan, helped countries like Germany and Japan to advance economically by providing security umbrella. U.S. does global policeman's role and can be effective with his military power anywhere in the planet within a reasonable time frame. But it has hardly solved any problem or conflicts between countries. USA changes his stance whenever it suits its interest. It is flexing his military and economic might to make countries toe its line. Its bullying tactics and blackmailing may not go well with other countries.

Under Trump the U.S. economy is booming. The GDP is growing at a three percent-plus rate; unemployment rate is near a 50-year low; the stock market has jumped 27 percent amid a surge in corporate profits. Many critics, including some from his Republican Party, have said this is not sustainable and that government spending, which is driving a part of the revival, will peter out in 2019. But nobody is complaining. USA wants to sell arms to anybody and everybody. In President Donald Trump's priority focus, differences on tariffs, market access, intellectual property have acquired the centre stage. But President Donald Trump is unpredictable in his dealings. Immediately after the 2+2 Dialogue, he has spoken of withdrawing subsidies to countries like China and India. If they are developing countries so are we, he said!

According to a report in *The Hindu*, the 10-year deal features specific 'India-related' adjustments to secure our national interests. "While the text of COMCASA is confidential, we have ensured that we have full access to the relevant equipment and there will be no disruptions. Data acquired through such systems cannot be disclosed or transferred to any person or entity without India's consent," the report quotes an official as saying. In the absence of any details it is presumed that India's security interests have been safeguarded.

Also of interest in the joint statement is the brief paragraph on North Korea, which included a pledge "to work together to counter North Korea's weapons of mass destruction programs and to hold accountable those countries that have supported them." North Korea has not traditionally been an area of significant U.S.-India cooperation. This paragraph gives an indication that India is yielding too much to U.S. pressure.

Moving the defence engagement a notch higher, the two nations are now focused on enhancing closer private defence industry collaboration which will help Indian defence manufacturers to join the U.S. military supply chain, thereby boosting the Modi government's 'Make in India' initiative. And innovation is at the heart of this defence collaboration for which a Memorandum of Intent was signed between the U.S. DIU and the Indian Defence Innovation Organisation — Innovation for Defence Excellence. This is a welcome development.

It is in U.S. interest that Indian Navy is being given a pro-active role in Indo-Pacific. When confronted at sea, China will always put pressure on Indian land frontiers. If U.S. is so much interested in the joint exercises, we should also have joint army exercise in the Indo-Tibetan border areas. USA has not shown

much interest there. During the Doklam stand-off USA did not issue any statement.

Russia–Pakistan-China Axis

If India bows to Washington's pressure to cut ties with Russia, it is not impossible to envision Pakistan becoming a most attractive alternative for closer ties and Kremlin largesse than ever before. Russia is also reaching out to Pakistan despite Indian reservations and is changing its tune on the Afghanistan issue. It is now a strong votary of negotiating with the Taliban and has given short shrift to Indian reservations in this regard. Russia has been at the forefront of advising

India not to challenge China's ambitious Belt and Road Initiative (BRI). Already, Russia has agreed to train Pakistani military officers in Russian military institutions. This is on top of the \$2 billion natural gas pipeline Russia has built in Pakistan and is filling with LNG at increasingly attractive prices. How does Delhi propose to manage the evolving Russia-China-Pakistan concert that Moscow has begun giving substance to when India has not been able to handle the lesser Pakistan-China nexus? Given the challenge China poses to India on multiple fronts, this growing Sino-Russian collusion should ideally be at the top of the agenda when the Russian president visits India next month.

And at a strategic level, India's need to balance its interests between the United States, China, and Russia, maintaining relations with regional partners such as Iran, are also a significant factor. While critical of China on the domestic front, Modi has been reluctant to take a tough line on China at international forums.

Conclusion

Every country takes its decisions in its own interests. An effective strategy for us would be to see the convergences, and work on those while doing what we can do to protect our interests. One has to remember that, the U.S. is still a hegemon and India is still a middle power—the former's self-interests are global in nature, while the latter's are regional. In a multilateral framework, over reliance towards a superpower can prove costly. An aspirational power like India, which wants to create its own influence in the international system, needs to choose a middle path and put its self-interest over anyone else's.

Both India and the US need to make each other understand about their self-interests as well as their limitations in order to strengthen their diplomatic relations. Convergence will happen in some mutually acceptable areas, while differences will remain. While having strong economic relations, every country is

trying to build networks of cooperation to deal with the consequences of a rising China. But India's interests are not confined to the Indo-Pacific alone. Issues related to Afghanistan, Iran and the Gulf have a bearing on our security and economic interests on account of terrorism, energy imports, diaspora presence, etc.

The fact that much has been achieved in the Indo-U.S. bilateral strategic relationship ever since the signing by India of the End-User Monitoring Agreement way back in 2009; there is no reason why more mutually agreeable solutions and working relationships cannot be achieved on all contentious issues.

This is a testing time for Indian diplomacy, requiring a delicate balancing between a suspicious China and a U.S. looking for a more solid alliance, not to mention the already deep resentment within Moscow at a historical ally drifting into the arms of a longtime opponent. However, with India's rising stature and power, the world expects India to play a bigger role in global affairs and thus India is finding itself in an increasingly uncomfortable position where it can't have equally good relations with every major power. There are no permanent friends or foes in this system.

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